

REMARKS

Reconsideration of the rejection of all claims is respectfully requested in view of the above amendments and the following remarks.

Claim Amendments

Claim 1 has been amended to focus the definition of R¹ on the compound description given at page 22, lines 6-22 of the specification. In addition, The definition of R¹⁴ has been replaced by the more limited definition of R¹⁴ in claim 2 (which is also definition (dd) at page 31), and claim 2 has been cancelled. Claim 1 also has been reformatted using indents and hanging indents to more visually set out the separation and hierarchical relationship of the various group definitions.

Dependent **claim 2** has been cancelled as now being redundant in view of the amendment to claim 1.

Dependent **claims 3-9** have been amended to more appropriately refer to "The" quinazoline derivative of claim 1, and have also been reformatted in a manner consistent with claim 1.

Compound **claim 10** also has been amended to more appropriately refer to "The" quinazoline derivative of claim 1, and has been reformatted to more visually separate the individual compounds by use of hanging indents.

Process **claim 11** has been amended to remove the phrase "by conventional means" as being an unnecessary recitation and the subjective phrase "if necessary" has been replaced by the more objective "optionally." The explanatory phrase "(such as 2 homopiperadin-1-ylethoxy or 3-dimethylaminopropoxy)" has been removed in that it does not further limit the claim. The last two lines of the claim have also been amended to replace the subjective "if required" phrase with the more objective "optionally forming."

Subparagraphs (b) and (e) have been amended and original subparagraph (g) has been deleted for consistency with the amended definitions of R¹ and R¹⁴ in claim 1, and original subparagraphs (h) and (i) are now designated as (g) and (h) respectively.

Claims 13-16 have been cancelled as being in a “use” format not generally accepted under US practice, and replaced by new method **claim 17**, directed toward the treatment of solid tumour disease as discussed throughout the specification.

The claim amendments are being made without waiver or prejudice to Applicants’ right to prosecute any subject matter deleted thereby in one or more continuing applications.

It should be apparent from the above that no new matter has been added by the above amendments, which are fully supported by the specification. Entry of these amendments is therefore believed to be appropriate and is respectfully requested. Following entry of these amendments, claims 1, 3-12 and 17 remain pending in this application.

Claim Rejections - 35 USC § 112, 2nd Paragraph

Claims 11, 13-15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically the Examiner asserts that omnibus-type phrases such as “by conventional means” and “using a conventional procedure” are indefinite, and that claims 15 and 16 are indefinite for being in a “use” format rather than reciting a method or process. It is believed that these grounds for rejection have been overcome by the cancellation of claims 15 and 16 (as well as claims 13 and 14), and by the removal the objected-to phrases (and other such phrases) from claim 11. Withdrawal of this ground for rejection is therefore respectfully requested.

Claim Rejections - 35 USC § 101

Claim 15 and 16 have also been rejected under 35 U.S.C. 101 as being in an improper “use” form. This ground for rejection has also been overcome by the cancellation of claims 15 and 16 (as well as claim 13 and 14). Withdrawal of this ground for rejection is therefore also respectfully requested.

Claim Rejections - 35 USC § 112, 1st Paragraph

Claims 1-9 and 11-16 are rejected under 35 U.S.C. 112, first paragraph, “because the specification, while being enabling for making and using compounds of formula I wherein R¹

represents simple substituents such as: alkoxy, morpholino-alkoxy, piperazinone-alkoxy, dialkylamino-alkoxy, does not reasonably provide enablement for making and using compounds of formula I wherein R^1 represents another group.” At page 4 of the Action under the heading “The breadth of the claims,” the Examiner further comments that the “scope of R^1 covers an extensive list of moieties ranging from simple ones such as: halogen, cyano, nitro, ...etc. to complicated groups like $-Q^1-X^1$, $-Q^2-X^2$, $-X^3-Q^3$, $-X^4-R^8$ and $-X^5-Q^4$, all of which can be further substituted with all kinds of rings and functional groups.” While Applicants do not necessarily agree with the Examiner’s assertions, this ground for rejection is believed to have been overcome by the above amendment to the definition of R^1 , but if and to the extent not overcome, this rejection is respectfully traversed.

In an effort to expedite the prosecution of this application to allowance, the scope of R^1 has been amended in claim 1 to focus on a more preferred definition given in the specification at page 22, lines 6 to 22. Thus the groups $-Q^2-X^2$, $-X^3-Q^3$, $-X^4-R^8$ and $-X^5-Q^4$, to which the Examiner referred in the rejection, are no longer present in the claims, and the group $-Q^1-X^1$ has been limited to cover a smaller number of groups which are well supported by the examples and specification.

Thus, while the Examiner is correct that exemplified compounds include those in which R^1 is alkoxy, dialkylamino-alkoxy, morpholino-alkoxy and piperazino-alkoxy, there is exemplification of other R^1 groups, for example, dioxothiomorpholino-alkoxy (Example 5), piperidino-alkoxy (Examples 14, 38), dialkoxyamino-alkoxy (Example 20), and pyrrolidino-alkoxy (Example 79). Therefore the extent of direct exemplification, in the 92 examples, covers R^1 groups containing non-ring systems and heterocyclyl rings and includes compounds in which the R^1 group contains 5- or 6-membered monocyclic rings with up to two heteroatoms selected from nitrogen, oxygen and sulphur. It is therefore respectfully submitted that the specification and examples would enable the person skilled in the art to make and use the compounds as presently claimed, and this ground for rejection has been overcome.

In order to still further simplify the claims and to expedite the prosecution of this application, the more limited and preferred definition of R^{14} in claim 2 has been directly incorporated into independent claim 1, and claim 2 has been cancelled as being redundant.

Although the Examiner has not specifically objected to the breadth of the claim 1 definition of R¹⁴, it is hoped that this further focusing of independent claim 1 on more preferred embodiments will simplify and therefore expedite prosecution toward the allowance of all claims now pending in this application.

Claim Objections

Applicants note with appreciation that the Examiner has indicated that compound claim 10, dependent on rejected base claim 1, would be allowable if rewritten in independent form. However, inasmuch as claim 1 as presently amended is believed to be allowable for the reasons discussed above, claim 10 has been maintained in dependent form.

Priority Documents

The Examiner notes on the Office Action Summary that none of the copies of certified priority documents have been received. A copy of the certified priority documents is being submitted herewith

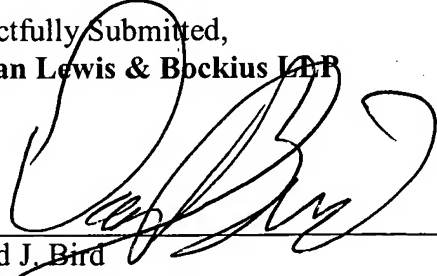
Conclusion

All ground for rejection having been addressed and, it is believed, overcome by the above amendments and/or remarks, this application is now believed to be in condition for allowance, and a notice to that effect is respectfully requested. However, if there remain any outstanding issues, the Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the resolution of such issues and placing this application in condition for allowance.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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